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COCHIN LEGISLATIVE COUNCIL.

LEGISLATIVE SESSION OF VRISCHIGAM 1103.

Thursday, *the* *30th of Vrischigam 1103.*
15th of December 1927.

The last meeting of the Vrischigam sitting of the Legislative Session of 1103, commenced in the Town Hall, Ernakulam, on 30th Vrischigam 1103 (15th December 1927), when Rao Bahadur Mr. T.S. Narayana Ayyar, M.A., B.L., the Diwan of Cochin, presided. All Members except Messrs. Lonappan Chakkola, A. Eachara Menon, C. N. Ittiravi Nambudiri, M. Krishna Menon, P. Kunju Muhammad Haji, Poulo Mampilli, K. T. Mathew, P. Munda Vydian, S. F. Nunez, C. A. Ouseph, K. Sankaran Nambudiri, A. K. Thoma and C. Barton Wright were present.

QUESTIONS AND ANSWERS.

Regarding Pallur Chira.

101. മിസ്റ്റർ കെ. ശങ്കരൻനമ്പൂതിരി.—(എ). ജലപ്ലവയം നിമിത്തം മണൽവീണു തരിശ്ശായികിടന്നിരുന്ന ഭൂമികളുടെ രക്ഷക്കായി കെട്ടിയ പല്ലൂർ ചിറക്കുവേണ്ടി ചിലവായ സംഖ്യ എത്രയാണെന്നും,

(ബി.) ഈ ചിറകൊണ്ടു പല്ലൂർ വില്ലേജിൽ തരിശ്ശായികിടന്നിരുന്നതിൽ എത്ര ഏക്കർ സ്ഥലം കൃഷിക്കുപയോഗമായിട്ടുണ്ടെന്നും ദയവുചെയ്തു പറയാമോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ.—(എ) ഫ ഫ വ ഒക. ഫ ഠ ണ. ഫ ഫ ഐ.

(ബി) അറുപത ഏക്കർ പതിനഞ്ചെന്നാ.

Removal of the President of the Kallur-Tekkummuri Panchayat.

102. Mr. A. Sankara Puduval.—Will the Government be pleased to state:—

(a) on what ground the Diwan exercised his power of removing the elected President of the Kallur-Tekkummuri Panchayat from his office;

(b) whether Government considered a conviction under section 303 C. P. C. as a sufficient cause of such removal;

(c) whether the members of the said Panchayat sent up a resolution passed by the Panchayat requesting the retention of the said President;

(d) what order was passed by the Diwan, if a copy of the aforesaid resolution reached him;

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(e) whether any independent enquiries apart from the papers and judgment in criminal case against the said person and others were conducted before final orders were passed by the Diwan?

Mr. I. Raman Menon.—(a) and (b). The Member is referred to the Diwan's Proceedings on the subject (copy appended). (*Vide Appendix I.*)

(c) Yes.

(d) Vide the Diwan's Proceedings referred to in answer to (a) above.

(e) Yes.

Mr. A. Sankara Puduval.—With regard to the answers to parts (a) and (b) there is no clear answer.

President.—(a) and (b) are answered together in the Diwan's Proceedings.

Mr. A. Sankara Puduval.—It does not give any answer to my question.

President.—Is there anything in the Proceedings itself to show that the matter was considered?

Mr. I. Raman Menon.—The Proceedings clearly say. The first paragraph of the Proceedings (Appendix I.) refers to that.

Mr. A. Sankara Puduval.—My question is whether the Government considers a conviction under section 303 as a disqualification.

Mr. I. Raman Menon.—The 2nd paragraph of the Proceedings explains the whole thing.

Mr. A. Sankara Puduval.—There is no answer to this question there. Is it to be an inferential answer? I want a positive answer if possible, whether the Government considers a conviction under section 303 is sufficient cause. The answer given there is a general principle. I am not asking for any explanation about this justification of the removal. It is a plain question and it may, if possible, be plainly answered.

President.—What Mr. Puduval asks is whether a conviction under section 303 was a sufficient cause.

Mr. K. Achyuta Menon.—I am sorry the Hon'ble Member could not understand the Proceedings. It is not a case under section 303, one man assaulting another. In the Proceedings we find 'The acquittal was on technical ground, that the numerical strength of the assembly with the common object fell short of the number required for conviction.' It is a case of unlawful assembly under sections 129, 133 and 303. It is not a simple case under 303. Four persons were convicted. So far as the character and conduct are concerned, it does not make much difference whether they were four or five. It is therefore put there.

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Mr. A. Sanakara Puduval.—I am not asking for the justification of the removal. I am asking whether a conviction under section 303 is sufficient cause for removal.

Mr. K. Achyuta Menon.—First of all the question does not arise. Further the Government did not remove him. In this particular case his conduct amounted to something more. Along with 3 other persons he did the act. It is not a mere case of conviction under section 303.

Mr. A. Sankara Puduval.—Am I to take it that a conviction under section 303 is not a sufficient qualification ?

Mr. I. Raman Menon.—May or may not.

Mr. A. Sankara Puduval.—I do not speak of this particular case here. It is for general consequences. Is it possible to give a definite answer?

President.—We have to refer to the circumstances of each case and then it may or may not be possible to give a categorical answer to that qnestion. Is that not your real position? Whether the conviction has affected his moral character, whether it is what you call moral turpitude, we have to go into the facts of the case, to review the case, and see whether it has affected his moral character and whether he could not be retained in the Panchayat.

Mr. A. Sankara Puduval.—I ask whether any independent enquiries were made and may I know what enquiries were made?

Mr. I. Raman Menon.—Legal enquiries were made and it was found that Gopalan Nayar's conduct was unsatisfactory in this particular case.

President.—Even in all the legal enquiries questions may arise as to who went to the spot, whether the Head of the Department went there, whether any witnesses were examined, whether any statements were recorded, whether opportunities were given to the other side to give evidence, all these would form details of the enquiry. Then, whether independent enquiries were made would be another question. Independent enquiries were made.

Mr. A. Sankara Puduval.—I want to know whether the Agricultural Superintendent himself conducted the independent inquiry.

President.—Was it conducted by yourself ?

Mr. I. Raman Menon.—It was conducted by my assistant and not by me.

Mr. A. Sankara Puduval.—Judgment shows that Gopalan Nayar's conduct was responsible. Which judgment, was it the first court judgment or the appellate judgment ?

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President.—I do not know which judgment is referred to. Are you in a position to say, Mr. Raman Menon ?

Mr. I. Raman Menon.—Second class Magistrate's judgment.

President.—The lower court's judgment.

Mr. A. Sankara Puduval.—So the appellate judgment does not contain anything. Then, am I to take that the first court's judgment is relied on for this purpose ?

President.—Yes.

Tank at Anjur.

103. Srimati T. Madhavi Amma.—Will the Government be pleased to state whether the Government has received petitions from the inhabitants of Anjur village to get a tank opened for their daily necessary use, which was recently closed; if the answer is in the affirmative, will they be pleased to state what action they have taken in the matter ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes; the matter is under consideration.

Re: payment of deficit in the working of certain schools.

104. Mr. T. A. Ramachandra Ayyar.—Will the Government be pleased to lay on the table :—

(a) a list of schools both Primary and Secondary that are being worked on terms that the deficit in the working charges shall be met by the promoters or applicants for the conducting of such schools ;

(b) the deficit charges which the Government had to incur for each of the above said schools for each of the last three years;

(c) what action was taken to recover the same in each case ;

(d) was there any request from the executors of the bond that the whole management may be entrusted to them in the case of any of the said schools ;

(e) if so, was any of the requests not granted and why ?

Rao Sahib Mr. C. Matthai.—(a) Lower Secondary schools at Mala and Vyntala are the only schools that come under the category.

(b) *Educational year.*

	1099—1100.	*1100—1101.*	*1101—1102.*
Mala	Rs. 665	Rs. 1,057	Rs. 1,176
Vyntala	,, 126	,, 202	,, 379

(c) The authorities concerned have been asked to pay up the deficit and their representations are being considered.

(d) There was a request from the Mala School Committee.

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